

GOVERNMENT OF TELANGANA
ABSTRACT

Water Grid - The Telangana Domestic and Industrial Water Grid Pipelines (Acquisition of Right of user in Land) Act, 2015 (Act No.6 of 2015) - Telangana Domestic and Industrial Water Grid Pipelines (Acquisition of Right of User in Land) Rules, 2015 - Orders - Issued.

REVENUE (JA&LA) DEPARTMENT

G.O.Ms.No.149

Dated:27.08.2015.

Read the following:-

1. The Gazette of Telangana No.6, Dt.21.04.2015 of Law Department.
2. Govt. Memo No.9178/LA/2014, Rev.(JA&LA) Dept., dt:06.05.2015.
3. From the CCLA, Hyderabad, Lr. No.LA-II/243/2014, dt:16.06.2015.

ORDER:

Whereas, the Telangana Domestic and Industrial Water Grid Pipelines (Acquisition of Right of User in Land) Act, 2015 (Act No.6 of 2015) has been enacted by the Telangana Legislature and published by Government of Telangana in the Gazette 1st read above and the same has been brought into force w.e.f. 21-02-2015.

2. And whereas, the Government felt it necessary to frame the rules for carrying out the provisions of the Act.

3. The Special Chief Secretary & Chief Commissioner of Land Administration, Government of Telangana, Hyderabad and all the District Collectors in the State shall take necessary action accordingly.

4. Accordingly, the following Notification shall be published in the Extra ordinary issue of the Telangana State Gazette, Dt.27-08-2015.

NOTIFICATION

In exercise of the powers conferred by Section 18(1) of the Telangana Domestic and Industrial Water Grid Pipelines (Acquisition of Right of User in Land) Act, 2015 (Act No.6 of 2015), the Government of Telangana hereby makes the following rules :-

RULES

1. These rules may be called “Telangana Domestic and Industrial Water Grid Pipelines (Acquisition of Right of User in Land) Rules, 2015. They shall extend to the whole of the State of Telangana.

2. Definitions:

(I). In these Rules, unless the context otherwise requires,-

a) “Government” means, the State Government of Telangana.

b) “Act” means, the Telangana Domestic and Industrial Water Grid Pipelines (Acquisition of Right of User in Land) Act 2015.

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- c) **Competent authority**" means the 'District' Collector' designated by the State Government to perform all or any of the functions under the Act; The district Collector shall authorize the Joint Collector, Additional Joint Collector, Sub-Collector, Revenue Divisional Officer, and any other officer to perform all or any of the functions of the Collector under the Act.
 - d) **"Corporation"** means any body corporate established by the Government or any other law for the time being in force in the State or a Company registered under the Companies Act 2013.
 - e) **"Land owner"** includes any person.
 - i. Whose name is recorded as the owner of the land or part thereof, in the records of the authority concerned.
 - ii. Any person who granted forest rights under the scheduled tribes and other traditional forest dwellers (reorganization of forest rights) Act 2006 (2 of 2007) or under any other Law for the time being in force.
 - iii. Who is entitled to be granted patta rights on the land under any law of the State including assigned lands
or
 - iv. Any person who has been declared as such by an order of the Court or authority.
 - v) "Person" includes an individual, un-divided Hindu family, a Trustee, a Company, a Society or an Association of individuals whether incorporated or not.
 - f) **"prescribed"** means prescribed by rules.
 - g) **'Water Grid'** means, a network of synchronized Water providers and consumers that are connected by transmission or transportation and distribution Pipelines and operated by one or more control centres.
 - h) **"Notification"** contain all the details of certain area of the lands and being acquire the right of user in any land if necessary for laying of pipelines for the purpose of 'water grid' under the Act.
3. (1) For the transport of water from one area to another area in the public interest, pipelines may be laid by the Competent authority or, by the Corporation, and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in any land and shall declare by a notification in the Official Gazette.
- (2) Every notification under rule 3 (1) shall give a brief description of the land and shall be published at all such places to the public dominie in all regional languages.
4. 1) Objection shall be made by any person, against laying of the pipelines in any land, to the Competent authority within the period of thirty days in writing from the date of publication of notification, and shall set out the grounds thereof.
- 2) The competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and may, after hearing all such objections and after making such further inquiry, if any, as that authority thinks necessary, by order either allow or disallow the objections.

- 3) Any order made by the competent authority shall be final.
5. It shall be lawful for any competent authority or the Corporation, which proposes to lay pipelines, its servants and workmen while exercising any power, such person or any servant or workman of such person shall cause a little damage or injury as possible to such land;
- (a) can upon and survey and take levels of any land specified in the notification;
 - (b) dig or bore into the sub-soil;
 - (c) set out the intended line of work;
 - (d) mark such levels, boundaries and line by placing marks and cutting trenches.
 - (e) cut down and clear away any part of any standing crop, fence or jungle; where otherwise survey cannot be completed and levels taken and the boundaries and line marked, and to do all other acts necessary to ascertain whether pipelines can be laid under the land:
6. (1) Where no objection under sub-section (1) of section 4 has been made to the competent authority within the period specified therein or where the competent authority has disallowed the objections under sub-section (2) of that section 4, that authority shall, as soon as may be, submit a report accordingly to the State Government.
- (2) Upon the receipt of a report, the State Government shall declare by a notification in the Official Gazette, that the right of user in the land for laying the pipelines shall be acquired.
- (3) On the publication of the declaration under sub-rule (2) of rule 6, {read with sub-section (1) of Section 6} the right of user in the land shall vest absolutely in the State Government free from all encumbrances.
- (4) Where in respect of any land, a notification has been issued under sub-rule (1) of rule 3, [read with sub-section (1) of section 3] but no declaration under this section has been published within a period of one year from the date of that notification, that notification shall cease to have effect on the expiration of the said period.
- (5) The State Government may, on such terms and conditions as it may think fit, to impose, direct by order in writing that the right of user in the land for laying the pipelines shall, in the Corporation proposing to lay the pipelines. Thereupon, the right of such user in the land shall, subject to the terms and conditions so imposed, vest in that Corporation free from all encumbrances.
7. (1) Any person authorized by the Competent authority or, the Corporation, and its servants and workmen can enter upon the land and lay pipelines or to do any other thing necessary for the laying of pipelines:
Provided that no pipeline shall be laid under:-
- (a) Any land which, was used for residential purposes;
 - (b) Any land on which there stands any permanent structure which was in existence.
 - (c) any land which is appurtenant to a dwelling house.

- (d) any land at a depth which is less than one metre from the surface;
and
 - (2) such land shall be used only for laying the pipelines and for maintaining, examining, repairing, altering or removing any such pipelines or for doing any other thing necessary for any of the purposes referred under Section 5, or for the utilization of such pipelines.
 - (3) If any dispute arises with regard to any matter referred to in paragraph (b) or (c) sub-rule (1) above, the dispute shall be referred to the competent authority whose decision thereon shall be final.
- 8. For maintaining, examining, repairing, altering or removing any pipeline, or for doing any other thing necessary for the utilization of the pipelines or for the making of any inspection or measurement for any of the aforesaid purposes, any person authorized in this behalf by the Competent authority or, as the case may be, the Corporation may, after giving reasonable notice to the occupier of the land under which the pipelines have been laid, enter therein with such workmen and assistants as may be necessary:
 - No such notice is necessary, where such person is satisfied that an emergency exists;
 - while exercising any powers, such person or any workmen or assistants of such person, shall cause as little damage or injury as possible to such land.
- 9. (1) The owner or occupier of the land with respect to which a declaration has been made, shall be entitled to use the land for the purpose for which such land was put to use immediately before the date of the notification under sub section (1) of section 3:
 - (2) The owner or occupier after the declaration, shall not;
 - (i) construct any building or any other structure;
 - (ii) construct or excavate any tank, well, reservoir or dam; or
 - (iii) plant any tree on that land.
 - (3) The owner or occupier of the land under which any pipeline has been laid shall not do anything or permit anything to be done which will or is likely to cause any damage in any manner whatsoever, to the pipeline.
 - (4) Where the owner or occupier of the land ;
 - (a) Do not plant any tree, construct any building or any other structure or excavate any well, tank, reservoir or dam on the land.
 - (b) The Competent authority within the local limits of whose jurisdiction such land is situate may, on an application made to it by any other officer designated and after holding such inquiry, as it may deem fit, cause the building, structure, reservoir, dam or tree to be removed or the well or tank to be filled up, and the costs of such removal or filling up shall be recoverable from such owner or occupier.
- 10. Any damage, loss or injury is sustained by any person interested in the land under which the pipeline is proposed to be, or is being, or has been laid, the Corporation shall be liable to pay compensation to such person for such damage, loss or injury, the amount of which shall be determined as per sub-sections (1) to (5) of section 10 of the Act & by the Competent authority.

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11. (1) The compensation determined under section 10 of the Act by the Competent authority within such time and in such manner, shall be made expeditiously through account payee cheques/ electronic mail transfer.
- (2) If the amount of compensation is not deposited within the time prescribed, the Corporation shall be liable to pay interest thereon at the rate of nine per cent per annum.
- (3) If the amount of compensation is deposited within one year after the period prescribed and if the amount of compensation is deposited after the expiry of the said one year, the compensation shall be paid at the rate of fifteen per cent per annum to the persons entitled.
- (4) If any dispute arises as to the apportionment of the compensation or any part thereof or as to the persons to whom the same or any part thereof is payable, the decision of the Collector thereon shall be final.
12. If any doubt or difficulty arises in giving effect to the provisions of these Rules, the Government shall have powers to issue clarifications / directions on such provision as it appears to be necessary or expedient for removing the difficulty.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

B.R.MEENA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Printing and Stationary
(Printing Wing), Chanchalguda, Hyderabad.
(with a request to publish the Notification in
the Extraordinary issue of the Telangana State Gazette
and supply 1000 copies of the same).
The Spl. Chief Secretary & Chief Commissioner of
Land Administration, Telangana, Hyderabad.
All the Collectors in the State of Telangana.
Copy to:
The P.S to Secretary to Hon'ble CM
The P.S to Dy. Chief Minister (Revenue)
The P.S. to Prl. Secretary, Revenue Department.
All the Departments of Telangana State Secretariat.
SF/Sc

//FORWARDED ::BY ORDER//

SECTION OFFICER